

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

VALUE DRUG COMPANY	:	CIVIL ACTION
	:	
v.	:	NO. 21-3500
	:	
TAKEDA PHARMACEUTICALS, U.S.A., INC., <i>et al.</i>	:	
	:	

ORDER

AND NOW, this 28th day of December 2021, upon considering Defendant Takeda's Motion to dismiss (ECF Doc. No. 103), Plaintiff's Response (ECF Doc. No. 124), Defendant's Reply (ECF Doc. No. 135), Defendant Par Pharmaceutical's Motion to dismiss (ECF Doc. No. 104), Plaintiff's Response (ECF Doc. No. 120), Defendant's Reply (ECF Doc. No. 134), Defendants Teva Pharmaceutical Industries, LTD.'s and Teva Pharmaceuticals USA, Inc's Motion to dismiss (ECF Doc. No. 106), Plaintiff's Response (ECF Doc. No. 117), Defendants' Reply (ECF Doc. No. 130), Plaintiff's Surreply (ECF Doc. No. 136), Defendants' Response to Plaintiff's Surreply (ECF Doc. No. 140), Defendant Teva Ltd.'s letter brief regarding jurisdiction (ECF Doc. No. 146), and Plaintiff's Response (ECF Doc. No. 151), Defendants Amneal's and Watson's Motion to dismiss (ECF Doc. No. 107), Plaintiff's Response (ECF Doc. No. 124), Defendants' Reply (ECF Doc. No. 131), following extensive oral argument, and for reasons in the accompanying Memorandum, it is **ORDERED**:

1. Defendant Takeda's Motion (ECF Doc. No. 103) is **GRANTED** without prejudice;
2. Defendant Par's Motion (ECF Doc. No. 104) is **GRANTED** without prejudice allowing Par to join the co-defendants' arguments and is dismissed without prejudice;
3. Defendants Amneal Pharmaceuticals, LLC's and Watson Laboratories, Inc's Motion (ECF Doc. No. 107) is **GRANTED** in part without prejudice but **DENIED** in part as to its request for sanctions;

4. Defendants Teva Pharmaceuticals USA, Inc.'s and Teva Pharmaceutical Industries, Ltd.'s Motion (ECF Doc. No. 106) is **GRANTED in part** and **DEFERRED in part** as to personal jurisdiction over Teva Ltd.:

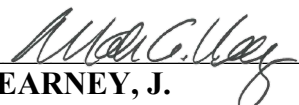
a. Teva USA may join the co-defendants' arguments and is dismissed without prejudice;

b. Teva Ltd. remains the only defendant subject to an amended complaint and review of our personal jurisdiction over it following expedited limited discovery;

5. We grant Value Drug's request:

a. To file an amended Complaint to address the pleading deficiencies and conform the pleadings to the later arguments compliant with Rule 11 no later than **January 18, 2022**;

b. If it elects to not amend the Complaint under the leave granted under this Order, to begin limited expedited discovery into our ability to exercise specific personal jurisdiction over remaining defendant Teva Ltd. through: the issuance of no more than five interrogatories and five document requests to Teva Ltd. and subpoena records from Teva USA issued no earlier than **January 21, 2022** to be responded no later than **January 31, 2022**; and to take no more than three depositions over a virtual sharing platform not exceeding three hours limited to our exercise of specific personal jurisdiction to be completed no later than **February 8, 2022**; and to then supplement its arguments allowing us to exercise personal jurisdiction over Teva Ltd. not exceeding fifteen pages filed no later than **February 15, 2022** with a response from Teva Ltd. due **February 25, 2022**.


KEARNEY, J.